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Convention on the Elimination of All Forms of Discrimination against Women

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Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

Sixth periodic report of States parties

Romania*

* The present report is being issued without formal editing. For the initial report submitted by the Government of Romania, see CEDAW/C/5/Add.45, considered by the Committee at its twelfth session. For the combined second and third periodic reports submitted by the Government of Romania, see CEDAW/C/ROM/2-3, considered by the Committee at its twelfth session. For the combined fourth and fifth periodic reports submitted by the Government of Romania, see CEDAW/C/ROM/4-5, considered by the Committee at its twenty-third session.

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ROMANIA'S SIXTH PERIODIC REPORT ON THE IMPLEMENTATION OF THE UN CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

1998-2002

PART ONE

General

1. Romania ratified the UN Convention on the Elimination of all Forms of Discrimination against Women on January 7, 1982.

Romania signed the Optional Protocol to CEDAW on September 6, 2000 and ratified it in June 2003.

2. The fourth and fifth periodic reports of Romania under article 18 of the Convention on the Elimination of all Forms of Discrimination against Women (referred to below as "the Convention"), were submitted as a single document in March 1999. They covered what had taken place from 1992 up to 1998, as it related to the applicability of the Convention.

The present report is intended to present the developments which have occurred in the period 1998-2002 concerning the application of the provisions of the Convention.

While drawing up this report, particular attention was paid to the comments made by the UN Committee on the Elimination of Discrimination against Women at the time of the submission of the single document containing Romania's fourth and fifth periodic reports.

3. The Ministry of Labor Social Solidarity and Family (previously known as the Ministry of Labor and Social Protection) issued, in 2000, the National Report on the Status of Women in Romania during 1995-2000. The Report has been elaborated on the basis of the UN Questionnaire submitted to national governments by the UN Division for the Advancement of Women. This report served for the preparation of the Extraordinary Session of the UN General Assembly on: "Women Beyond 2000: Gender Equality, Development and Peace for the 21st Century", and it was meant to emphasize Romania's undertaking towards the implementation of the Beijing Platform for Action.

4. The Beijing World Conference on Women marked a change in gender mainstreaming in Romania. Following the event, the Romanian Government decided to nationally apply the provisions of the World Conference final documents, previously endorsed by all participant countries. Moreover, Romanian decision making agents became more aware of the importance of acting in line with the relevant international conventions in the field.

Starting with 1998, the governmental authority reform process also affected the The Ministry of Labor Social Solidarity and Family. A **Department for Co-ordination of the Labour Market and Wage Policy** was set up, including, since 1999 a Direction for Equal Opportunities and since 2003 the ***Service for Equal Opportunities***. The latter's overall objective is to implement gender mainstreaming in the current social policies of Romania.

The Service has the following liabilities:

- to monitor the discrimination on-free access of women to the labour market, as well as the improvement of working conditions for women;
- to propose measures for the improvement of the relevant legal frame and to monitor the implementation of the law in this sector;
- in collaboration with governmental and non-governmental bodies, develop reports and studies on the social status of women and to advance solutions for the elimination of identified negative aspects.

The central institutional frame expanded by the establishment of two Centres and a new Agency, also part of the the Ministry of Labor Social Solidarity and Family, and co-ordinated by the Secretary of state for family policies:

- *The Pilot Centre for the Protection and Assistance to Victims of Domestic Violence* — its role is to provide assistance and protection for victims of domestic violence; to develop a relevant database to be used by DES in its research activity.

- *The Family Information and Consulting Centre* — its role is to provide assistance for couples in crisis; to monitor trends in family development; to identify necessary means of support for young families and families facing social problems.

- *The National Agency for Family Protection* — its role is to implement the new legislation regarding the prevention of domestic violence.

5. The presentation of the preliminary results of the 18 March 2002 Population and Housing Census, as well as the comparison between these results and the final data of the 7 January 1992 Census, provide information for the description of the present situation in Romania as regards: the number and demographic structure of the population, the number of households, the housing stock and living conditions of the population. It should be mentioned that the preliminary data present a sufficiently high degree of accuracy, so that the final data will bring about insignificant details and corrections.

On 18 March 2002, **the stable (residential) population** of Romania, according to the preliminary results, is of **21,698,181 inhabitants.** The decrease in the population number during the last decade (of almost 1 million inhabitants, i.e. 4.2%, as compared to that of 1992, under comparable conditions) is due both to the negative natural increase (the difference between births and deaths) and to the negative balance of the external migration (the difference between the persons who left with official documents by which they renounced of their residence or with a long-term residence abroad, and the persons who came to Romania).

In 2002 in **the population structure by sex,** as at the previous censuses a slight numerical prevalence of the female population is noticed.

Population number and structure by sex — at the 2002 and 1992 Censuses

	2002		1992		2002 in % as compared to 1992
	Number	%	Number	%	
TOTAL POPULATION	21 698 181	100.0	22 810 035	100.0	95.8*)
Male	10 581 350	48.8	11 213 763	49.2	94.4
Female	11 116 831	51.2	11 596 272	50.8	95.9

*) *Calculation made under conditions of comparability.*

The weight of the female population in the total population was of 51.2% in 2002, slightly increased as compared to 50.8% in 1992. During the last 10 years, the male population decreased with 632 thousand (by 5.6%, as compared to 1992), outrunning the decrease of the female population with 479 thousand, (by 4.1%, as compared to 1992).

Sex ratio is 1,051 (1,051 female to 1,000 male persons, as compared to 1,034 in 1992).

By area, an increase in the weight of the rural population is noticed (from 45.7% to 47.3%), at the same time with a decrease in the weight of the urban population (from 54.3% to 52.7%).

The gap between areas was diminished, between the two census, as a result of decrease in the urban population by (7.7%) and the increase in the rural one (by 1.5%).

Population by area – at the 2002 and 1992 Census

	2002		1992		2002 in % as compared to 1992
	Persons	%	Persons	%	
TOTAL	21 698 181	100.0	22 810 035	100.0	95.8*)
URBAN	11 436 736	52.7	12 391 819	54.3	92.3
RURAL	10 261 445	47.3	10 418 216	45.7	98.5

*) *Calculation made under conditions of comparability.*

Showing the same trend as at the country level, the weight of females in the urban area (52.0%) increased in comparison with the previous census, so now there are 1,081 females to 1,000 males (as compared to only 1,049 females to 1,000 males, in 1992). On the contrary, the weight of females in the rural, lower than in the urban area (50.4%), did not change, as compared to the previous census, the ratio being of 1017 females to 1000 males.

The territorial distribution of the population showed significant changes during the 1992-2002 period, under the combined influence of the different levels in the natural increase, the internal migration flows (some of them generated by changes in the economic situation of certain regions, counties — closing up of some industries etc.), as well as of an intense external migration (especially by people leaving to work abroad).

The distribution of population by statistical region and by sexes underlines the fact that, at the 2002 Census, the weight of the male population in the total population is about the same as the average at country level. Higher weights than the average were recorded in the North-East region, South-East region (49.2%), Central region (49.1%), South-West region (49%) and South region (48.9%); the weight is lower than the average in the Bucharest (47.1%) and West (48.3%) regions.

During the last decade, a decreasing trend of the male population weight in the total population was noticed, in all the 8 regions, but more obvious in the Western region (from 48.9% to 48.3%) and the North-Western region (from 49.4% to 48.8%). This occurred especially due to the decrease of the male population weight in the urban area.

As regards the male population in the rural area, during the last 10 years, it showed different trends from one statistical region to another. An increase of the rural male population weight is registered in the North-East and South-Weast regions (from 49.8% to 50.0% and from 49.1% to 49.3%, respectively), while a decrease of the rural male population weight is noticed in the following regions: Bucharest (from 49.8% to 49.4%), South (from 49.4% to 49.2%), North-West (from 49.7% to 49.5%) and Central region (from 50.1% to 50.0%). A situation similar to that recorded at the previous Census is noticed in the West and South-East, the rural male population weight in these regions being the same as in 1992.

Population structure by sex and area, by region of development, at the 1992 and 2002 censuses

Region	1992						2002					
	TOTAL		URBAN		RURAL		TOTAL		URBAN		RURAL	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
ROMÂNIA	49.2	50.8	48.8	51.2	49.6	50.4	48.8	51.2	48.0	52.0	49.6	50.4
NORTH-EAST	49.4	50.6	49.0	51.0	49.8	50.2	49.2	50.8	48.1	51.9	50.0	50.0
SOUTH-EAST	49.7	50.3	49.5	50.5	49.9	50.1	49.2	50.8	48.5	51.5	49.9	50.1
SOUTH	49.2	50.8	48.9	51.1	49.4	50.6	48.9	51.1	48.4	51.6	49.2	50.8
SOUTH-WEST	49.2	50.8	49.4	50.6	49.1	50.9	49.0	51.0	48.7	51.3	49.3	50.7
WEST	48.9	51.1	48.9	51.1	48.9	51.1	48.3	51.7	48.0	52.0	48.9	51.1
NORTH-WEST	49.4	50.6	49.0	51.0	49.7	50.3	48.8	51.2	48.1	51.9	49.5	50.5
CENTER	49.5	50.5	49.1	50.9	50.1	49.9	49.1	50.9	48.4	51.6	50.0	50.0
BUCHAREST	47.6	52.4	47.3	52.7	49.8	50.2	47.1	52.9	46.8	53.2	49.4	50.6

6. Following the change in the political leadership which occurred in November 2000, new policies in this area were designed, creating opportunities to reorganize and render more dynamic the practical strategies for promoting the rights of women. The Government is determined to strengthen solidarity and social cohesion, by instituting a more effective and more flexible coordination between the various social policies (covering women, children and families). As a consequence, the Government Program for 2001-2004 sets clear goals towards the policy regarding the family.

The policy regarding the family focuses on three main directions: families with small children, marriage and family relations, and the balance between work and family. The measures envisaged include:

- Creating a network of family support offices aimed to sustain and consolidate the family as a fundamental entity of society by:

- Family assistance, which includes financial aid and services to support intra- and inter-family relations, including finnacial support for monoparental families;

- The National Family Planning Program, designed to help improve the care given to mothers and children, including information, education and communication activities, professional training of medical personnel, all of which will consolidate the reproductive health services particularly in isolated areas;

- Support for communities to create their own capacity to solve local problems;

- Supply of consultancy and counseling to families in difficulty.

- Conducting campaigns to inform parents about the way to tackle the main issues cropping up in the family.

- Ensuring communication between families and community services, and facilitating bonding and mutual acquaintance of community members.

- Identifying families in distress and granting the necessary assistance as soon as possible.

By implementing its Program, the Government applied measures to create a real and efficient family-protection system, approached in a complex manner so as to further reform the whole field of social security.

The chief measures designed with a view to implementing the provisions of EU directives was:

- Measures to inform and sensitize employees, employers, trade unions and civil servants having responsibilities in the areas where the labor legislation applies about the national legislation's provisions that correspond to the *acquis communautaire*;

- Measures to adopt and speed up the application of the National Action Plan on equal opportunities for women and men;

- Modifying the bill on equal opportunities and submitting it again to Parliament;

- Applying the principle of equal treatment for men and women with respect to employment, professional training and promotion, and work conditions;

- Setting up the National Agency for Equal Opportunities, an independent body designed to promote equal treatment for men and women and to monitor the application of EU directives;

- Drawing up the bill on the protection of motherhood;

- Ensuring observance of the social rights in keeping with the provisions of the revised European Social Charter.

From these measures the main part was already fulfilled, as such:

- The bill on equal opportunities was adopted in the year 2002 as the Law no. 202 on equal opportunities between men and women;

- In order to inform and sensitize employees, employers, trade unions and civil servants having responsibilities in the areas where the labor legislation applies about the national legislation's provisions that correspond to the *acquis communautaire* all the ministries issued m inisterial orders in that respect and these orders are implemented;

- The principle of equal treatment for men and women with respect to employment, professional training and promotion, and work conditions is one of the fundamental basis of the new Labour Code adopted in the year 2003;

- The Government will adopt the bill on the protection of motherhood in the year 2003;

- The setting-up of the National Agency for Equal Opportunities is the subject of a twinning project, financed by the European Union in the frame of the PHARE 2002 program and it is scheduled to be in function starting with the year 2005.

In this context, establishing a single framework for organizing the family and social assistance system, the financing ways and the types of services represent, in the medium run, major goals of the reform in the field of social security.

In Romania, integrity of the principle of equal treatment for women and men does not presuppose other expenditures except those required for applying the current normative acts, whose impact on the budget is evaluated and sanctioned by the Government; but development of the institutional capacity requires budget and off-budget expenditures.

7. By Law No. 35 of March 13, 1997 on the Organization and functioning of the Advocate of the People Institution, the Romanian Ombudsman was created. Within the newly created Ombudsman (which started

operating in 1998) a ***Department for Child, Woman and Family Protection*** was created, aimed at defending the rights of its beneficiaries.

8. During the last years, efforts have been made in order to harmonize the national legislation with the European standards and norms in all fields related to of women's rights (access to education, equality of chances between men and women in the labor field, equality of chances between men and women as regards the participation in decision-making process, domestic violence, etc.).

PART TWO

Article 2

The legal framework in Romania which guarantees equality of men and women has already been discussed in the earlier reports. However, some additional comments would appear to be useful.

1. Constitutional provisions

The effective application of the equal opportunity between men and women principle is realized in Romania observing the fundamental law, the Constitution, which stipulates in its first article: "Romania is the common and indivisible homeland of all its citizens regardless of race, nationality, ethnic origin, language, religion, gender, opinion, political affiliation, wealth or social origin."(art. 4). Romanian citizens are equal in front of law and public authorities, without privileges and discriminations (art. 16). Also, it is stipulated the non discriminatory right to elect and to be elected (art. 34 and 35) as well as the right to education (art. 32).

Art. 11, paragraph 2 of the Constitution stipulates that the treaties ratified by the Parliament, according to law, are part of the domestic law. However, few are the actions in justice where the parties claim a right recognized by an international Convention, and when this is pled for, it is usually the European Convention on Human Rights, which the media grants a special importance lately, considering the decisions of the Strasbourg European Court of Human Rights.

2. Provisions in the Penal Code

Art. 247 of the Penal Code (republished in the Official Monitor No. 65, form April 16, 1997), stipulates the abuse in office by limitation of some rights. ("The limitation, by a public officer, of the use or exercise of some inferiority circumstances on grounds of nationality, race, sex or religion, shall be punished with imprisonment.")

The Romanian Parliament adopted the Law No. 197 from November 13, 2000, for the amendment of some provisions of the Penal Code. For the first time in the Romanian legislation express provisions related to the sanction of family violence acts were sanctioned.

3. Special laws

In year 2000, the Romanian Government adopted the *Ordinance No. 137/2000 on preventing and sanctioning all forms of discrimination*, endorsed with amendments by the Romanian Parliament by Law No. 48/2002. By adopting this piece of legislation, Romania became the first East and Central European country to adopt such a anti-discriminatory regulation with general applicability.

The above-mentioned provisions intend to punish any form of discrimination that would put a person or a group of persons from a certain category/minority (sexual, social, etc) in an inferiority situation.

The target groups specified by the legal provisions are the national, sexual, ethnic, racial minorities, social categories disfavored on grounds of beliefs, age, sex or sexual orientation — art. 10 of Emergency Ordinance No. 137/2000.

The equality of citizens, exclusion of privileges and of discrimination principles are guaranteed especially in the exercise of the following rights: right to an treatment before court, right to the individual's security and to the state's protection against violence or ill-treatments exercised by any individual, group or institution, political rights (electoral rights, right to take part in the public life and have access to public offices), civil rights (right to free circulation and to choose the residence, right to leave the country and return to the country, right to be granted and waive the Romanian citizenship, right to get marries and choose the partner, right to property, right to heritage, right to the freedom of thinking, consciousness and religion, right to meeting and association, right to petition), economic, social and cultural rights (right to labor, to the free choice of occupation, to equal and satisfactory working conditions, to an equal salary for an equal work, to an equal and satisfactory remuneration, right to set up labor unions and enjoy such unions, right to a home, right to health, to medical care, social security and social services, right to an education and professional training, right to take part, under equal terms, in cultural and sport activities) and the right to access to all public use locations and services.

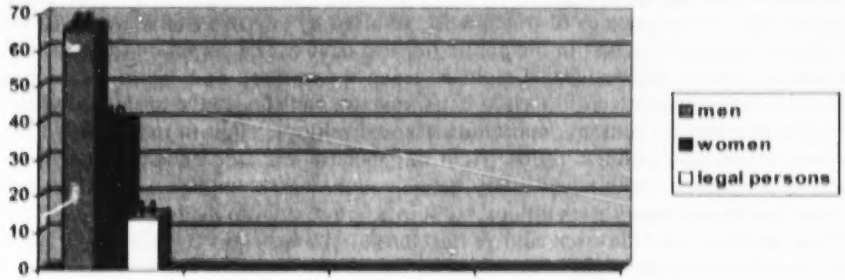
The Emergency Ordinance no.137/2000 on the prevention and sanction of all forms of discrimination stipulates that the persons considering themselves discriminated or the non-governmental organizations dealing with the human rights protection, in case the discrimination takes place in their activity field and causes damage to a community or group of persons, shall have an active procedural capacity. The non-governmental organizations have an active procedural capacity also in the case when this capacity authorizes the organization in this respect.

Art. 20 paragraph 3 of Emergency Ordinance no.137/2000 stipulates that the sanctions and findings of the minor offences provided for in this ordinance shall be conducted by the members of the National Council for Combating Discrimination. Law 32/1968 on the establishment and sanction of minor offences with the subsequent amendments shall be enforced accordingly.

The National Council for Combating Discrimination was set up by the *Government Decision no. 1194 of November 27th 2001* (annex 2). This governmental body (presentation in annex 3) started its activity in August 2002. Since then, the Council received over a hundred complaints on behalf of the citizens. Among the categories of discrimination that the Council was made aware of we mention: the age of employment, the differentiated treatment between women and men at the working place, including the access to leadership positions, discrimination against roma, discrimination against persons with disabilities.

Besides its attributions concerning the administrative sanctioning of all forms of discrimination, the new body aims at developing, in partnership with the civil society, large campaigns to prevent discrimination and to publicize its competencies in the field.

The National Council for Combating Discrimination started its activity beginning with August 1st, 2002. By the end of 2002, the Council had received 120 complaints, out of which:
- 106 complaints filed by persons (66 men and 40 women);
- 14 complaints filed by legal persons (firms, or non-governmental agencies).



The analysis showed that according to their object, 30 complaints had regarded ethnical issues, 1 regarded religious issues, 1 regarded personal beliefs, 8 referred to potential discrimination on age grounds, 6 referred to property rights, 4 regarded socio-professional issues, 16 regarded complaints against the Romanian juridical system, 12 referred to the legal system, 12 regarded multiple discriminations, 13 regarded disputes between persons and institutions and 5complaints had not had a well defined problematic.

Out of 120 complaints, the Council decided that only 41 had met the field of activity of the National Council for Combating Discrimination, 78 had been the competence of other institutions and in one case supplementary data was requested.

As regards discrimination on the basis of sexual orientation, the Romanian Parliament confirmed the de-criminalization of homosexuality during the reporting period by *adopting Law no.61 of January 16th 2002 approving the Emergency Ordinance no.89/2001 for amending certain provisions of the Penal Code related to the sexual life*. The new piece of legislation ensured that sexual offences are now governed by the same legislation irrespective of sexual orientation.

Article 3

The Government Decision no. 1273/2000 approved the National Action Plan for equal opportunities for women and men. The role of this plan is to support, by specific measures, the principle that both women and men have to equally participate in identifying and implementing the most effective solutions for achieving a real democracy in Romania. The National Plan envisages the setting up of a National Agency for equality of opportunities in 2004. The intervention areas identified in the National Action Plan are: the legislative framework, the social rights, the economy, the participation in decision-making processes and social awareness. With regard to the legislative framework, the following aspects are taken into consideration: speeding up the legislative approximation process with the international regulations on equal opportunities for men and women; extending the legal framework and monitoring the development of the implementation structures for the legislation on gender equality.

The Ministry of Labor Social Solidarity and Family, through its ***Service for Equal Opportunities***, is the government mechanism for drafting strategies and policies in the area of promoting equal opportunities for women and men and eliminating any form of discrimination on gender criteria.

The Law no.202 on Equal Opportunities and Treatment for Women and Men was adopted in May 2002. The law aims to eliminate direct and indirect discrimination on the basis of gender and forbids it in the fields of

employment, education, health, culture, information and senior management positions. The law also establishes a mechanism for resolving disputes. The law incriminate sexual harassment and also the penal code was modified by the law to introduce the specific crime of sexual harassment. The measures for promoting equal opportunities between women and men and for elimination of direct and indirect discrimination based on the sex criteria are applied in the field of labor, education, health, culture and information, participating in making decisions, as well as in other fields, regulated by special laws. Also, the Law no.202 /2002 stipulates that women must have non-discriminated access to choose and exercise freely their profession, equal incomes for an equal work, access to training programs and other benefits. The employers are obliged to ensure the equality of chances and treatment between employees, men and women, within any kind of working relationships, including by introducing provisions to interdict discriminations in the units' regulations for the organization and functioning and for internal order. The Law establishes in the article 6 that equal opportunities between women and men within the industrial relations means the non-discriminatory access to:

- free choice and performing of a profession or activity;
- employment in all vacancies and at all hierarchic professional levels;
- equal revenues for equal work;
- professional information and advising, initiation, training, professional upgrading, specialization and reorientation programs;
- promotion at any hierarchic and professional level;
- work conditions observing the regulations regarding the health and work safety, according to the legal provisions in force;
- benefits, others than salaries and protection measures and social insurance.

This is the first Romanian special law developing the idea of equality between sexes, at the same time intending to sanction any direct or indirect discrimination act. The terms sexual harassment, stimulating measures or positive discrimination are also explained by this law.

The purpose of this law consists in promoting the equality between sexes in the labor, education, health, culture and information fields, and also as regards participation in the decision-making process.

As far as the political affirmation of women is concerned, it is worth mentioning that the Romanian authorities developed, together with the Council of Europe, a project on gender equality in Romania, during 2000-2001: *Promoting balanced representation of women and men in political and administrative decision – making bodies in Romania*.

The objectives of the project were:
- to encourage more women to play an active role in political life;
- to contribute to the improvement of the capacities of women candidates in local and national elections;
- to contribute to rise awareness of the public opinion and the political leaders on the necessity to take into account gender issues when designing and implementing policies and measures at all levels and in all fields.

Target groups: Government officials, Members of Parliament, local authorities, NGOs, experts, networks having human rights and gender equality mandate in the region, members of Stability Pact Gender Task Force.

Among the activities included in the project sponsored by the Council of Europe:
- workshop on **"Political Campaign on Women's Role for a Good Governance"** (training and awareness – raising session on equality issues), October 26-27 2000, in Bucharest.
- seminar on **"Measures and actions to promote women in the decision – making"** (positive actions and gender mainstreaming), January 25-26 2001.

The workshops were among the first activities of the Project on gender equality in Romania, focused on developing the national gender machinery in Romania. The project main goal was to implement the mainstreaming approach on gender, using the Council of Europe expertise.

The resident UN agencies have supported and encouraged governmental initiatives related to gender discrimination and promotion of gender equality. Thus, through its *"Partners for Change"* program, UNDP offered the specialised central and local governmental authorities an opportunity for training, specialisation and information; national and local workshops on the status of women in Romania and on the active role of men in achieving equal opportunities have also been organised. The program for economic empowerment of women in rural areas is another priority and so is the introduction of sex disaggregated statistics, essential in identifying the deficiencies in the overall empowerment of women process.

The specialised governmental structure within the Ministry of Labour has collaborated with UNFPA and UNICEF and developed partnership programs focused on women's health care, the elimination of violence against women and children, the publication of relevant mass information materials - the MMPS and UNFPA elaborated and published a PRACTICAL GUIDE on maternity rights (50,000 copies).

Equality of chances between men and women as regards the participation in decision-making process

The central and local public authorities, the economic and social units, and also the political parties and other non-profit units, carrying on their activity according to their own status, promote and support the balanced participation of men and women in the leading and decision-making process.

In order to accelerate the equality of chances between men and women, the central and local public activities will adopt stimulating measures related to the fair and balanced representation of men and women within the decision-making authorities of the social partners, with observance of the competence criteria.

Article 4

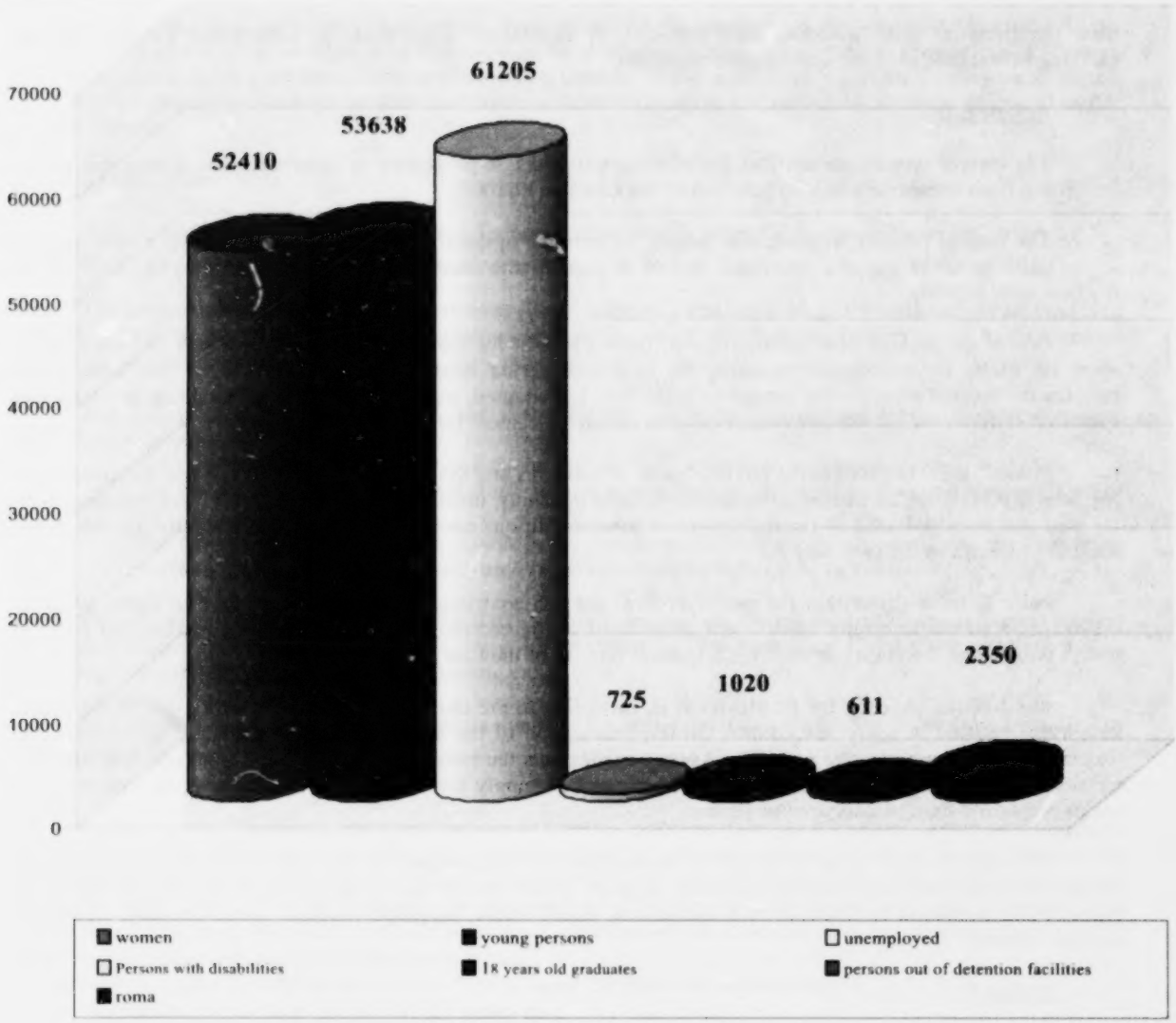
The women represent a target group for the activity of the National Agency for Employment. For their support, the Agency implemented special programs for employment and vocational training. Among the active measures designed to this target group is also included the organization, starting with 2002, of a special jobs fair for women at the national level in order to increase the degree of women employment. The women unemployment rate decreased from 10.2% at the beginning of 2001 to 8.1% at the end of 2001. The Program of the National Agency for Employment for 2001 aimed the employment of 24080 women, but the results obtained surpassed the forecast, realizing the employment of 94304 women.

The National Plan for Employment for 2002

While setting up the National Plan for Employment for 2002, the National Agency for Employment followed closely the objectives of the Employment Strategy for 2002:
- increasing the employment and decreasing the unemployment;
- increasing the number of active measures for combating unemployment;
- using efficiently the budget of the unemployment insurance.

The implementation of the program was aimed at the occupation of 250000 jobs, as follows:
- 49000 jobs through mediation services;
- 201000 jobs through active measures of combating the unemployment.

The program envisages, also, giving jobs for 172959 persons belonging to less favored groups on the labor market: - 53.410 women; - 53.638 young people; - 61.205 unemployed persons - 725 persons with disabilities - 1.020 post-institutionalized 18 years old graduates - 611 persons out of detention facilities - 2.350 persons belonging to the roma minority - 77.041 other categories.



Women's organisations have been set up within the trade union confederations. Over time, they developed into **departments for equal opportunities**. Their activity is primarily focused on the promotion of equal rights for women and men at work, and within the industrial relations field.

The Romanian legislation in the field of safety and health at work contains provisions having as object the implementation of measures to promote the improving the security and health at work of pregnant, confined and nursing women employees, group considered vulnerable to certain risks. These cannot be used in workplaces with harmful, difficult, or dangerous conditions. The general norms of labor protection stipulate that since employment to set up for pregnant and nursing women, following medical examination, a work place compatible with their physiological state. When sending these women to workplaces it is taking into account the morph-functional and

their physiological state, avoiding their exposure to trepidation, some chemical substances, ionized, lift and carrying of weights, prolonged orthostatic positions.

Article 5

The insured women are entitled, for 126 calendar days, to pregnancy or childbed leave, during this period benefiting from a maternity benefit (art. 118 of the Law no. 19/2000).

The insured persons, mothers and fathers, are entitled, optionally, to a leave or benefit with a view to grow up the child up to the age of 2 years and, in case of a child with disabilities, up to the age of 3 years (art. 121 of the Law no. 19/2000).

One of the parents benefits, by request, from a benefit for the child growth or for a sick childcare, if the applicant meets the conditions regarding the insurance period established by the law. From the same rights benefits the insured person who, according to the law, has adopted, was appointed as legal guardian or whom was entrusted children for growth and education or in family placement (art. 122 of the Law no. 19/2000).

Point 1, letter (e) Within the public system of pensions and other rights of social insurance are granted old age pensions, anticipated pensions, partial anticipated pensions, invalidity pensions and survivors pensions, both for men and women, based on the fulfillment of some conditions concerning the age and seniority, as well as the invalidity degree, as the case may be.

Point 2, letter (b) Within the public system, the non-contributory periods – including all rights to social insurance, even the maternity leave – are assimilated to the contribution period and are cumulated in order to obtain the old age, invalidity or survivor's pension (art. 38 of the Law no. 19/2000).

The National Agency for Employment is, according to the chapter 5 article 24 letter a), one of the public authorities entitled to apply and control the implementation of the legal provisions on equal opportunities and treatment between women and men. The Agency implements the measures observing the equal opportunities and treatment between women and men in the field of services supply for employment and training, as well as in the social protection field of unemployed persons.

The right to social security in case of unemployment is guaranteed by the Law no. 76/2002 on the system of unemployment insurance and employment support, which establishes in the article 4 the elimination of all types of discrimination on political, race, nationality, ethnic origin, language, religion, social category, views, sex and age criteria.

Article 6

Victims of trafficking

- Romania is country of origin and transit for internationally trafficked women and girls. Statistics referring only to identified victims indicate that 20% of the victims are aged between 13 and 15 years; 33% age 18-20; 23% age 21 –23; 12% age 24–26; 4% age 27-29; 4% age 30 and over). Women aged between 18 and 26 and girls aged between 13 and 15, irrespective of their ethnicity, are more at risk to be trafficked. The overwhelming majority of the victims are coming from Romania, Ukraine, Republic of Moldavia, Russian Federation. They are trafficked to Bosnia-Herzegovina (29%), FYROM (26%), Albania (17%), Kosovo – FRY (14%), Italy (6%), Cambodia (2%), Others (6%). Trafficker's main target is female population aged 13 to 26.

Traffickers

- Individuals or small groups of individuals, jobless males (sometimes working with women, former prostitutes, as intermediary). Most of them have been previously involved in other criminal activities such as

stealing, smuggling, pimping, illegal border crossing etc. In the majority of the cases victims are offered, via public advertising, lucrative jobs abroad (dancing, domestic service, and serving in restaurant), in Western countries, or friends of friends directly approach them with the same type of offer. Employment, travel, tourism agencies or marriage brokers have been detected as fronting for traffickers or crime groups to traffic individuals.

Domestic legislation

Romania, like other Central and Eastern European countries, is currently confronted with the challenge raised by the trafficking in human beings.

The international community's concern over illegal migration and trafficking in human beings taking place throughout Europe is shared by the Romanian authorities, agreeing that fighting trafficking in human beings represents not only a national responsibility, but a regional one.

The Romanian authorities adopted in the year 2001 the following legal instruments with the purpose of addressing this issue:

- *The Law no. 678 on preventing and combating the trafficking in human beings* (annex 4);
- *The National Action Plan against trafficking in human beings, enforced by the Government Decision no. 1216/2002* (annex 5);
- *The Government Ordinance no. 112/2001 on sanctioning offences committed outside the Romanian territory by Romanian citizens or stateless persons with their domicile in Romania.*

Prior to the publication of Law no. 678/2001 on preventing and combating the trafficking in human beings, the deeds related to trafficking in persons were incriminated by the Romanian Penal Code (Article 329 – pandering, Article 189 – illegal freedom privation, etc.).

Beginning with December 2001, Romania punishes the deeds related to trafficking in persons, according to Law no. 678/2001, as follows:

Art.12
(1) Whoever recruits, transports, transfers, harbors or receives a person, through the use of threats or violence or the use of other forms of coercion, through kidnapping, fraud or misrepresentation, abuse of power or by taking advantage of that person's inability to defend him-/herself or to express his/her will or by giving or receiving money or other benefits in order to obtain the agreement of a person who has control over another person with the intent of exploiting the latter, commits a criminal violation of this Law and shall be punished with 3 to 12 years imprisonment and denial of a number of rights.
(2) Whoever engages in trafficking in human beings under the following circumstances:
a) traffics two or more persons at the same time;
b) causes the victim to sustain serious bodily harm or serious health problems, shall be punished with 5 to 15 years imprisonment and denial of a number of rights.
(3) If the violation in this Article has resulted in the victim's death or suicide, the offender shall be punished by 15 to 25 years imprisonment and denial of a number of rights.
Art. 13
(1) Whoever recruits, transports, transfers, harbors or receives a person aged between 15 and 18, with the intent of exploiting that person, commits the crime of trafficking in underage persons and shall be punished by 3 to 12 years imprisonment and denial of a number of rights.
(2) If the violation within paragraph (1) was committed against a person aged less than 15, the punishment shall be 5 to 15 years imprisonment and denial of a number of rights.
(3) If the violations within paragraphs (1) and (2) are committed with the use of threats or violence or of other forms of coercion, through kidnapping, fraud or misrepresentation, abuse of power or by taking advantage of that person's inability to defend him-/herself or to express his/her will or by giving or receiving money or other benefits in order to obtain the agreement of a person who has control over another person, the offender shall be

punished with 5 to 15 years imprisonment and denial of a number of rights in the case of paragraph (1) and 7 to 18 years imprisonment and denial of a number of rights in the case of paragraph (2).
(4) For the violations within paragraphs (1), (2) and (3) that have been committed in the conditions of Art. 12 paragraph (2) punishment shall be 5 to 15 years imprisonment and denial of a number of rights in the case of paragraph (1), 5 to 17 years imprisonment and denial of a number of rights in the case of paragraph (2) and 5 to 18 years imprisonment and denial of a number of rights in the case of paragraph (3), thesis 1 and 7 to 20 years imprisonment and denial of a number of rights in the case of paragraph (3), thesis 2.
(5) If the violations in this Article have resulted in the victim's death or suicide, the offender shall be punished with 15 to 25 years imprisonment and denial of a number of rights, or life imprisonment.

The Law stipulates the measures that will be implemented for preventing the trafficking in simple and aggravated form, incriminates with corresponding punishments the traffic and the activities related to traffic, sets up a protection and assistance system for victims and, also, draws up the framework for international co-operation in fighting against trafficking in human beings. According to Law no. 678/2001, victims of trafficking are given physical protection and psychological and social specialised assistance. Victims have the right to participate at physical, psychological and social rehabilitation programs (such programs are being carried out, in collaboration with local non – governmental organisations). Minor persons and women victims of traffic benefit of special protection and assistance, according to age and specific needs. The Ministry of Interior assures, at request, on Romanian territory, the physical protection of the victims of trafficking in persons during the process.

Romania facilitates for foreign citizens, victims of trafficking in persons, the return in their home country, without any unjustified delay, and assures them the safest transportation until the Romanian border, unless otherwise stipulated in the bilateral agreements. For assuring their physical security, victims of trafficking in persons, foreign citizens, can be accommodated in special arranged Centres, according to Law no. 13/2001 on the status of foreigners in Romania, and the solicitors of a protection form in Romania can be accommodated in special arranged centres according to *Law no. 323/2001 for approving the Government Ordinance no. 201/2000 on refugees' status and regime in Romania.*

The Law no. 678 on preventing and combating the trafficking in human beings stipulate on victims of trafficking in human beings the following procedures:

Art. 26
(1) Victims of the crimes stipulated in this Law, as well as other victims of these crimes, shall be granted special physical, legal and social protection and assistance.
(2) Victims of trafficking in human beings shall have their privacy and identity protected by this I aw.
(3) Victims of the crimes stipulated in this Law are entitled to physical, psychological and social recovery.
(4) Underage victims of the crimes stipulated in this Law shall be granted special protection and assistance, as appropriate for their age.
(5) Female victims of the crimes stipulated in this Law, as well as females at high risk of becoming victims of such crimes shall be granted special social protection and assistance.
Art. 27
Upon request, and on Romanian territory, the Ministry of the Interior shall provide physical protection for victims of trafficking in human beings during the criminal procedures.
Art. 28
Romanian citizens, victims of trafficking in human beings and staying on the territory of other countries, shall be granted assistance, upon request, by the diplomatic missions and consular bureaus of Romania to those countries.
Art. 29
The Ministry of Foreign Affairs shall issue, within a reasonable period of time and without unjustified delays, through the diplomatic missions and consular bureaus of Romania, if need may be and with a view to repatriation, identification documents to Romanian citizens victims of trafficking in human beings.
Art. 32
(1) Upon request, victims of trafficking in human beings can receive temporary accommodation in Centres for Assistance and Protection of Victims of Trafficking in Human Beings, hereinafter called Centres, and which

operate under the authority of county councils in counties Arad, Botoşani, Galaţi, Giurgiu, Iaşi, Ilfov, Mehedinţi, Satu-Mare and Timiş.
(2) The duration of the victim's stay in such Centres shall be determined through a decision of the County Standing Delegation and shall not exceed 10 days.
(3) The duration of the victim's stay in such Centres can be extended, upon request from law enforcement bodies, by up to 3 months or, as the case may be, for the duration of the criminal trial.
(4) The Centres are designed and equipped to provide civilised conditions for accommodation and personal hygiene, food, psychological and medical assistance.
Art. 33
Temporarily sheltered victims of trafficking in human beings shall be provided, by social workers from the local Council where the Centre operates, with information and counselling towards the use of legal benefits for persons regarded as social outcasts.
Art. 34
(1) The Centres' in-house regulations as well as their organisational structure shall be approved by the Minister of Public Administration and endorsed by the Minister of the Interior.
(2) The Centres' staff shall be paid according to the law on the pay for employees in state-owned institutions.
(3) The Centres' current and capital expenses shall be financed out of County Councils' funds, stipulated in article 33 paragraph (1).
Art.35
(1) County employment agencies, in those counties where the Centres are being set up and operate, shall organise, if possible, special short-term programs for the vocational initiation or training of sheltered victims.
(2) The agencies mentioned in paragraph 1 are also tasked to grant priority counselling and labour mediation services to victims of trafficking in human beings in order for the latter to find a job.
Art. 36
Victims of trafficking in human beings, Romanian citizens, can have priority access to social housing provided by Local Councils in their town of residence.
Art. 37. Romania assists foreign citizen victims of trafficking in human beings in returning to their country of origin without undue delay and provides them with full security transportation to the border of Romania, if not otherwise provided in bilateral agreements.
Art. 38
(1) For their physical security, foreign citizen victims of trafficking in human beings can be sheltered in the special Centres set up according to Law no. 123/2001 on the regime of aliens in Romania, and those requesting a form of protection in Romania can be sheltered in the centres especially set up according to Law no. 323/2001 on approval of Government's Ordinance no. 102/2001 on the refugees' status and regime in Romania.
(2) In those shelters victims of trafficking in human beings shall be informed, in a language they can understand, of the legal and administrative procedures enforced.
(3) Sheltered persons are entitled, according to paragraph 1, to psychiatric and psychological counselling and to medical and social assistance, in a language they can understand.
Art.39
(1) In case the foreign citizen victims of trafficking in human beings have no identification documents or if they have lost them or have had them stolen or destroyed, they shall receive help from the Consular Relations Directorate within the Ministry of Foreign Affairs or from the competent bodies of the Ministry of Public Administration in acquiring a new passport or temporary identification document, as the case may be.

Romania established a National Co-ordinator for the fight against trafficking in persons that co-ordinates, through periodical meetings, the inter-ministerial Committee for monitoring the tasks stipulated in National Plan.

International conventions

While providing and promoting the necessary domestic legislation, Romania signed or ratified the main international legal instruments meant to protect human rights and combat trafficking in human beings, such as:
- the UN Convention against Transnational Organized Crime, as well as its Additional Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Law no.565/2002)

- the Optional Protocol to the UN Convention on the rights of the child regarding the sale of children, child prostitution and infantile pornography (ratified by Law no.470 of September 2001).

International co-operation

- Within Bucharest-based South-Eastern Cooperation Initiative Center (SECI) for Combating Trans-border Crime it has been established an international Task-Force (TF) dealing with trafficking in human beings, composed of specialized officers from SECI member states Albania, Bosnia-Herzegovina, Greece, Republic of Moldavia, Slovenia, Hungary, Bulgaria, Croatia, FYROM, Turkey and Romania (Germany, Italy, Ukraine, France and Austria are observers). TF is coordinated by Romania and divided into three working groups: one for the Southern border (with Bulgaria, Turkey and Greece as partners), one for the Eastern border (with Moldavia and Ukraine as partners) and one for the Western border (with Hungary, the Federal Republic of Yugoslavia and FYROM as partners.

- Romanian specialized structure co-operate also on a permanent basis with liaison officers seconded to Bucharest (from Germany, France, Great Britain, Belgium, Italy, Spain, Austria, Japan, USA and Ukraine). Relevant reports, statistics and information on the trafficking in human beings are circulated between agencies at national and international level mainly using the channel of communication offered by SECI Center for Combating Trans-border Crimes. With this aim, it has been recently established a Focal Point in order to facilitate the exchange of information. In the same time, an Action Plan for strengthening the co-operation with Republic of Austria in the field of combating illegal immigration and trafficking in human beings was adopted an a mixed working group with Great Britain has already started to work.

- For the purpose of being aware of and combating in an unitary way the phenomenon manifestation forms, in 2002 was initiated the MIRAGE Action on combating the trafficking in human beings, with the participation of 11 SECI Member States (Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Hungary, Macedonia, Turkey, Greece, Republic of Moldavia, Slovenia and Romania), to which Ukraine and Yugoslavia joined. The objectives taken into account aimed at evaluating by the competent authorities of the operative situation in zone, regarding the migration and trafficking in human beings, establishing an action strategy, exchange of information and the way of realising it. Finalising this action with positive results evidenced both the efficiency and the need of amplifying the states' co-operation in fighting against trafficking in human beings and illegal migration.

- The institution of home affairs attaché and liaison officer has been put into place. There is already a home affairs attaché in Brussels and liaison officers have been seconded to Germany, Austria and the Czech Republic.

- The hosting on 21 May 2001 in Bucharest of the *Regional Conference on Fighting against Trafficking in Human Beings and Illegal Immigration*, organized by the OSCE Romanian Chairmanship-in-Office at that time, in collaboration with the South-Eastern Cooperation Initiative Center, has offered an important opportunity to approach these issues, at a regional level, in a more systematic way.

- With the support of the Council of Europe, the Ministry of Labor Social Solidarity and Family organized in Bucharest (24-26 October 2001) a regional seminar on bilateral cooperation between Romania and Republic of Moldova and its purpose was to develop legislation on prevention and combating the human trafficking, specially dedicated for the representatives of the law enforcement agencies and the NGO's involved in these specific activities. The seminar was hosted and strongly supported by the Ministry of Foreign Affaires of Romania.

Prevention

- Ministry of Education and Research of Romania and International Organization for Migration's Office in Bucharest concluded a Protocol of cooperation which is meant to provide for educational programs in favor of vulnerable categories to trafficking. In the same time a number of seminars took place, covering all the regions of the country, and numerous professors received training. Subsequently, around 20 information events on trafficking took place in schools, using videotape and Anti-trafficking manual.
- Romanian Ministry of the Interior, in cooperation with IOM's Office in Bucharest and USAID, launched the public awareness campaign on human trafficking, involving all the concerned Romanian institutions with abilities in informational activities. This campaign included:
  - advertisement on national coverage TV stations;
  - distribution of informative materials (posters, leaflets, brochures);
  - organizing seminars for policemen, teachers, social assistants;
  - distribution of a video tape containing testimonies of female victims of human trafficking;
  - informational activities of the population on the job offer abroad;
  - public awareness campaign run in schools and colleges on the realities of the human trafficking and illegal migration.
- The Ministry of Labor Social Solidarity and Family and The National Agency for Employement by theirs structures specialized at the central and territorial level, elaborates and enforces special measures for integration on the labor market of persons with high risk of being trafficked, especially for the women coming from the disfavored areas and for persons socially disfavored.

Law enforcement

- During year 2001, police investigated 391 persons (158 for pimping, 217 for prostitution, 16 for other crimes) in cases related to trafficking. It has been established that persons investigated had perpetrated a number of 336 crimes, out of which 161 pimping (108 abroad), 126 prostitution (95 abroad) and 49 others. One prostitution network has been identified and dismantled in Italy.
- In 2001, 128 persons were convicted for pimping (1 fined, 127 sentenced to prison) and 148 persons were convicted for prostitution (7 fined, 141 sentenced to prison). These sentences are currently served.
- At operational level, action is focused on "undercover" trafficking perpetrated by some businesses, travel agencies and art/modeling management companies. 368 international carrier agents were controlled, being discovered 115 offences. Also, through the monitoring of the announcements in the newspapers, regarding offers as baby sitter, modeling activities, artistic impresario, 430 persons involved in trafficking were identified and several networks operating in Republic of Moldavia or Cyprus were dismantled.

Taking into account the fact that one of the causes of the trafficking in human beings is a rise in the request of prostitution services within the destination zones, either in Western Europe or in the Balkans, the local authorities must initiate more definite actions for reducing the "offer" and punish those who benefit from the presence of trafficked women. On the other hand, it is necessary to develop the exchange of information between the authorities of source, transit and destination states; only thus the authorities of the states which bring the crime to trial may produce evidence before the court. Accordingly, Romania proposed that all counties involved agree on a standard set of questions to be answered by the victims. The forms, after being filled in, will be made available for the authorities of the victim's source country. The data from the forms could be introduced into a data base that will serve for enhancing the efficiency of the undergoing activities of the police, for elaborating strategic analyses and for foreseeing the evolutions of the phenomenon. Romania has already transmitted its proposal for the set of questions, via the SECI Center in Bucharest.

Assistance and protection of victims abroad and after repatriation

- Embassies and consulates in countries known as destination for trafficking victims received appropriate instructions (methodology) about how to implement the provisions of the Law 678/2001, referring especially to:

- displaying informative materials on rights of trafficked persons;
- informing Romanian nationals, through appropriate means, on the domestic legislation of the host state and provide the necessary assistance and protection for victims of trafficking;
- repatriation of victims of trafficking;

• Embassies and consulates are currently working closely with NGO's and other international organizations involved in combating trafficking in order to assist Romanian nationals victims of trafficking.

The Embassy of Romania in Sarajevo assisted for repatriation 60 victims in 2000 and 58 in 2001, working closely with IOM in Sarajevo and with International Police Task Force in Bosnia-Herzegovina. Embassy of Romania in Skopje assisted for repatriation 86 victims in 2001 and 22 since the beginning of the year 2002. In this respect, the embassy is working closely with IOM's Office in Skopje and IOM agencies in Kosovo (FRY).

• Under the provisions of the Law 678/2001, assistance and protection is granted also to returned victims and include:

- special physical, psychological and social protection (including for minors and women) - The establishing of a hotline for victims of trafficking is underway, sources of financing are yet to be identified.
- protection of private life and identity, under the terms of the Law 677/2001 on the protection of persons concerning automatic processing and free circulation of personal data);
- physical, psychological and social recovery programs;
- physic protection to victims of trafficking, during the trial;
- Facilitated the return of trafficked foreign citizens in their countries of origin without any unjustified delay and safe transportation to the border Trafficked foreign citizens may be accommodated in specially organized centers; the applicants of a special form of protection in Romania may be accommodated in other specially organized centers. according to Law no. 323/2001, waiting for the refugee status according to Governmental Ordinance no 102/2000;
- protection of victim's rights, which means that person subject to trafficking, which has committed the crime of prostitution will not be hold responsible for this whether she/he has informed the authorities about it before trafficking have been perpetrated or whether the person has facilitated the arrest of the perpetrators once they have been captured and prosecuted. Persons subject to trafficking has also the right to receive ex office judicial assistance, in order to follow his/her rights during criminal procedures stipulated by Law, in all the phases of prosecution, as well as the right to seek reparation from the persons that trafficked them and have brought damaged to them. Victims, irrespective of their nationality, are informed in a language they understand, about the administrative and legal procedures that are being applied to them and they have free access to the national health system in the same conditions as any Romanian citizen;
- Victims of trafficking may be accommodated, at their demand and on a temporary basis, in centers of assisting and protecting victims of trafficking. The law provide for the creation of 9 centers, under the jurisdiction of local council of 9 counties, but the actual setting up of the centers is delayed to budgetary constraints. However, in co-operation with local NGO's 2 shelters have already been opened and are currently functioning in Bucharest and Pitesti (dep. of Arges), and, in the same time, other NGO's dealing with victims of trafficking are providing similar assistance in rented houses and apartments. Within the framework of the **project "Assistance for victims of trafficking and prevention of trafficking in Romania", financially supported by USA**, it has been concluded an Agreement between the Ministry of Interior and IOM's Ofice in Bucharest concerning the establishment of a center of reception and temporary hosting, granting medical assistance and counseling for women repatriated victims of the trafficking;
- Ministry of Labor Social Solidarity and Family elaborates and applies specific measures for the integrating within the working field of persons with high risk of being trafficked or having been trafficked. The National Agency for Employment (NAE) runs information programs on the labor market, employees' rights, as well as training programs. Specific measures will be taken for stimulating economic agents to employ persons with high risk of being trafficked, as well as victims of trafficking, who have followed professional training. Implementation of these measures is unfolding.

Professional training

Professional training of the employees of the Ministry of Interior in spirit of respecting and promoting human rights and fundamental freedoms became a priority and constitutes a constant preoccupation of the institutions activity.

Therefore, the future police officers are trained in the field of human rights at "Alexandru Ioan Cuza" Police Academy as well as at the non-commissioned officers training school, in "Legal protection of human rights" and "International humanitarian law" subjects. During these classes, the students are presented the entire range of problems regarding human rights and humanitarian law, concerning international and internal documents, related to police work, as well as international institutions created for surveillance of their application and the procedures stipulated to guarantee the observance of these rights.

On the level of the Ministry of Interior acts the Committee on Human Rights and Humanitarian Law – an advising assembly to the command of Ministry of Interior on specific issues. This Committee has also duties in the field of professional improvement of the Ministry of Interior's employees, concerning human rights issues, by inter-county courses. These classes have a permanent character and are held in regional centers to give possibility to a large number of policemen, gendarmes, border police officers, and officers working with passports, foreigners and migration problems to take part.

The Ministry of Interior is an institution exclusively in public service and is controlled by the civil society through its democratic institutions – the Parliament, the Government, the Ministry for Public Affairs, the courts of justice – as well as by the mass-media and the citizens. The Ministry of Interior has also proven himself as a responsible partner in imposing international standards and developing strong partnerships with internal and international organizations acting in the field of defending human rights.

Following the re-organisation of General Directorate for Combating Organised Crime and Drugs, in March 2001, a national anti-trafficking Task-Force, that comprise 40 police officers within the structures of combating organised crime, was set up. In 2002, these people participated to several specialised seminars that were carried out at Galati for the Zone Centres with responsibilities in the Eastern region of Romania), Craiova (for the Southern region) and Timisoara (for the Western region), Bucharest and Mangalia. At the same seminars participated police officers within Border Police, General Directorate for Information and Internal Protection, prosecutors, liaison officers within SECI Centre, FBI agents and representatives of local administration.

Activities carried out by Romanian police regarding the protection of women against trafficking in persons

Comparative analyses and studies realised for the purpose of identifying the fundamental causes of trafficking in persons allowed the stand out of two causal categories:

- **Internal causes** (poverty, lack of workplaces, social inequity, the desire for easy money etc.);
- **External causes** (the existence of a big "demand" from the rich countries, the unsure limitations decided by the destination countries for reducing the traffic demand).

By the clear difference between illegal migration and trafficking in persons, it is recognised that re-trafficking represents a major source of earnings for organised criminal groups, and freedom of persons to work and move in the context of globalisation has certain costs that are supported especially by the vulnerable groups selected from women. In this context, it is said that trafficking in women is identical, though it is realised in different contexts, being appreciated that the common features are:

a. women status as vulnerable, poor and marginalised groups in societies;
b. the traffic request aims especially at these groups;
c. the profit is more than attractive in the conditions that everybody wins, "less human merchandise";
d. punishing the traffickers did not take severe forms.

Statistical data

Regarding the concrete activity of annihilating international trafficking in human beings networks, **in 2001** were sent to justice **510 persons**, from which **280** in preventive detention. Also, **1891** persons were sent to justice for crimes related to breaking the national borders' regime, and **224** persons were accused of crime of pandering.

In 2002, the efficiency of actions taken was materialised in inquiring **625 persons** for organised trafficking in human beings and organs, out of which **68** for prostitution (**48 deeds** committed abroad) and **189** (**76** abroad) for pandering.

ORGANISED TRAFFICKING IN HUMAN BEINGS AND ORGANS – TOTAL	**685**
INQUIRED PERSONS -TOTAL	625
1. Prostitution – total	68
- Accused persons	68
- abroad	48
2. Pandering	196
- Accused persons	189
- abroad	76
3. Illegal adoptions - Law no. 87/1998 Article 26	3
- Accused persons	6
4. Trafficking in tissue and human organs – Law no.2/1998	
- Accused persons	
5. Crimes of trafficking in persons – Law no. 678/2001	280
- Accused persons	286
6. Other crimes	138
- Accused persons	76

The legal and institutional efforts for preventing and combating trafficking in persons in Romania are doubled by the challenge of strengthening the partnership with non-governmental organisations, related to the limited or even decreasing resources regarding their allocation for these programs.

In the future, for realising a global statistic estimation over trafficking, measures for practice applying the model of preventing and combating trafficking in persons will be initiated, based on 6 intervention directions (approach proposed by Dilli BHATTARAI, advisor of United Nations Population Fund in New York):

A. Support, awareness and social mobilization against trafficking in women and children;
B. Building the partnership between governmental and non-governmental organisations, communitary structures and international agencies;

C. Organisational development from governmental and non-governmental organisations, as well as communitary structures for annihilating this phenomenon;
D. Direct assistance of sexual and reproductive health for population categories found in risky situations, as well as for victims of trafficking;
E. Authorising women found in risky situations, as well as victims of trafficking through instructing and offering opportunities of involving them in micro-businesses;
F. Facilitating the international action in this field.

Article 7

Women remain under-represented in political life, with only 11% of members of Chamber of Deputies and 9% of members of Chamber of Senate. In the current structure of the Parliament of Romania there are 51 women and 435 men. In the 2000 Government, 5 out of 28 cabinet ministers were women, and 8 out of 90 secretaries of state.

Number of women elected in the Romanian Parliament during 1992-2000

YEAR	Chamber of Deputies				Senate			
	Number		%		Number		%	
	Female	Male	Female	Male	Female	Male	Female	Male
1992	13	326	4	96	3	140	2	98
1996	25	315	7	93	2	141	1	99
2000	38	317	11	89	9	131	7	93

In 1997, in the Parliament of Romania, a Sub-commission for equal opportunities was created within the Parliamentary Commission for the European Integration. After the elections in 2000, the Sub-commission was re-activated, functioning within the same parliamentary commission, consisting of 5 members of parliament, 2 out of which are men.

During the local elections in 2000, 109 women mayors have been elected, out of 3000 mayors all over the country.

In order to accelerate the equality of chances between men and women, the central and local public activities will adopt stimulating measures related to the fair and balanced representation of men and women within the decision-making authorities of the social partners, with observance of the competence criteria.

According to the provisions of *Law no. 188 of December 8th 1999 on the statute of the public officials*, acceding to senior or junior civil service positions is subject to a competitive selection, based on professional competence criteria, without any discrimination between men and women. The contest is publicly announced, open to all interested candidates, regardless of race, gender, religion or ethnic background, the only conditions being the Romanian citizenship and the age of 18 or over.

As far as the opportunity for women to participate as members in the non-governmental organizations active in the areas of public and political life is concerned, the *Government Ordinance no. 26 of January 30th 2000 regarding the associations and foundations* provides that "the individuals and legal entities aiming at carrying on general interest activities or local interest activities, or, as the case may be, in their own non-patrimonial interest may establish associations or foundations, according to the provisions of this ordinance". The text does not make any difference between genders when granting the right to set up an association or foundation, regardless of its area of activity.

Article 8

In the area of international relations the participation of Romanian women in international conferences, meetings, or seminars is highly evident.

There is a significant presence of women in the Romanian diplomatic corps and their career pattern is noteworthy. There are nine women who are currently ambassadors of Romania to other countries.

Article 9

There is no possibility of discrimination (direct or indirect) as to citizenship in the case of a woman. Women and men also have equal rights as to the citizenship of their children. The acquisition of Romanian citizenship by an adopted child and the loss of citizenship are covered by procedural rules which the earlier report described in detail. Thus, Romanian citizenship is acquired by a child who is an alien or stateless, through adoption, if the adopting persons are Romanian citizens and the child has not yet reached the age of majority. In the case of a child who is an alien or stateless and who is adopted by a couple only one of whom possesses Romanian citizenship, the citizenship of the child will be decided by agreement between the adoptive parents. Under article 6 of the law on citizenship, when there is disagreement between the adopting parents, it is the responsibility of the competent court to pronounce on the citizenship of the minor child, taking the child's interests into account. The consent of a child aged 14 and over must be obtained by the judge.

Similar provisions are in place for cases involving repatriation of the parents. While children are still minors, under 14 years old, it is considered that the decision as to their citizenship is the responsibility of the parents who are repatriating themselves. If they should disagree, this then empowers the court of the place of residence of the child to pronounce on the child's citizenship, taking his or her interests into account. Again, the consent of a child 14 or over has to be obtained by the judge. From a procedural point of view, clarifications on the situation in which one of the parents obtains Romanian citizenship upon request are contained in similar provisions. In such cases, the two parents decide on the citizenship of their child who is a minor. If they disagree, the question is examined and decided by a competent court.

Article 10 mec

Article 11

Law no.202/2002 for Equal Opportunities and Treatment for Women and Men, mentioned above, stipulates that, like men, women must have non-discriminated access to choose and exercise freely their profession, equal incomes for an equal work, access to training programs and other benefits.

The employers are obliged to ensure the equality of chances and treatment between employees, men and women, within any kind of working relationships, including by introducing provisions to interdict discriminations in the units' regulations for the organization and functioning and for internal order. Art. 9(1) stipulates that maternity does not represent a reason for the employment of women candidates.

In order to prevent and limit the abuses to the working location, sexual harassment was incriminated by *the Emergency Ordinance no.89/2001 on the amendment of some provisions of the Penal Code related to offences connected to sexual life* (endorsed by Law no. 61/2002).

The Romanian Labor Code stipulates the men and women can freely choose their profession and workplace, having the possibility to perform their activity in every field, according to their aptitudes and professional training.

The provisions of the Labor Protection Law (republished) have as objective the assurance of the best conditions in running the work processes, defense of life, corporal integrity and health of all employees, regardless of gender.

The employees have the right when they consider themselves to be discriminated on sex criteria to formulate petitions or complaints to the employer or against him, if he is directly involved, and request the support of the union organization or of the representatives of the unit's employees to solve the situation at the working location. In case this situation is not settled at the unit's level by mediation, the employed justifying a damage of his rights in the labor field, has the right, according to this law, to file a complaint to the competent court, respectively to the divisions of judging panels specialized in labor conflicts or labor disputes, or social insurance within the competence territorial area of which the employer or the perpetrator carries on his activity, or if necessary, to the administrative contentious court, but no later than 1 year from the date when the deed is committed.

The Romanian legislation in the field of safety and health at work contains provisions having as object the implementation of measures to promote the improving the security and health at work of pregnant, confined and nursing employees, group considered vulnerable to certain risks. These cannot be used in workplaces with harmful, difficult, or dangerous conditions.

The general norms of labour protection stipulate that since employment, to set up for pregnant and nursing women, following medical examination, a work place compatible with their physiological state. When sending these women to workplaces it is taking into account the morph-functional and their physiological state, avoiding their exposure to trepidation, some chemical substances ionized, lift and carrying of weights prolonged orthostatic positions.

The Law no.90/1996 on the protection of labor republished stipulates, in the field of health and safety at work, the obligation of the employer on the company expense, the information and education of all employees, vocational training and retraining in the field of health and safety at work of persons with attributions in the field of labor protection.

The Law 346/2002 on insurance for labor accidents and professional diseases grants social protection to employed women, in the same extent as men, against the following categories of vocational risks: loss or diminution of labor capacity and death following labor accidents and professional diseases.

The right to protection of health and safety at work is stipulated in the Constitution of Romania, the Labor Code, the Law o the Labor protection no. 90/96 republished, Methodological norms for its application, Specific norms of health and safety at work.

General norms of labor protection are periodically revised in accordance with legislative and technical modifications at national level.

Specific norms and labor security standards, as own instructions of labor security are periodical revised in accordance with legislative and technical modifications at national level, at employers level or at the level of labor processes.

Fighting social exclusion and poverty is an explicit government priority and the reporting period has been characterized by intensive legislative activity. New legislation has sought to provide a social safety net while at the same time facilitating access to the labor market in order to develop the economic independence of the socially vulnerable. The National Plan for Poverty Prevention and the Promotion of Social Inclusion was finalized in April 2002 and a Law on Preventing and Combating Social Exclusion was adopted as one of the first instruments to implement this Plan.

A National Strategy on Special Protection and Social Integration of Disabled Persons has also been drawn up.

Preventing Discrimination against Roma Women in the Labor Field

The General Directorate for Employment and the National Agency for Employment have transposed, by concrete measures, the methods for implementing the Strategy for improving the Roma status in the Program for Increasing the Employment Rate for 2001 of the National Agency for Employment.

In the Ministry of Labor Social Solidarity and family was set up the Special Commission for Roma with a view to implement the Strategy for Improving the Roma Status. At this Commission will also participate a representative of the General Directorate for Employment. The Commission will observe how are fulfilled the measures established by the plan for implementing the Strategy.

In 2001, for the first time, the Roma are considered a target group in the Program for increasing the employment rate of the National Agency for Employment, estimating an employment of 3725 Roma for this year. There were elaborated and are in the process of implementation some specific measures supporting the Roma employment, such as:

- professional advisory services, including information regarding the advantages of organization and legal activities based on free initiative and real support for Roma to develop this kind of activities;
- advisory services for the Roma who emigrate and then returned in Romania;
- credits with low interest for small and medium enterprises - running an advertising campaign for the Roma who intend to create SMEs regarding the advantages of these credits, advisory activity for the approving of the study of feasibility, etc;
- creation of some temporary jobs for running activities useful for the whole community, co-operating with the local authorities;
- co-operation with the local authorities and the Roma associations with a view to finance and develop some local programs for creating new small enterprises specialized in the field of traditional crafts of Roma;
- intensification of mediation services having as a final goal the employment of Roma for a determined period for some seasonal works and temporary activities (for example: agricultural works);
- elaboration of a program for professional reorientation of Roma having a qualification certificate; this program will increase the chance for Roma to be re-included on the labor market;
- organization of some courses for Roma practicing a traditional craft on their own; these courses will allow to the graduated Roma to obtain a certificate of craftsman, etc.

Article 12

In according to the Romanian Constitution from 1991 article 33 (1), the State is responsible for the health of the Romanian population and to ensure public hygiene and health. In the same act it is proclaimed the equality of men and women, access to health care services, including those related to family planning.

In Romania, since 1990, abortion is legal, on woman's request. Family planning services (governmental and non-governmental) were developed at a national level for health education and decreasing the high rate of abortion registered after 1990. Among the benefits of family planning services are decreasing maternal mortality and decreasing of abandoned children.

Since 2001, for children less than 1 year of age free powder milk is assured. In the last 5 years special Health Centers for Women were opened in different cities from Romania. These kinds of Centers offer services for prevention, early detection and treatment for infertility, genital and breast cancer and for prevention of diseases caused by menopause.

Female circumcision is not traditional cultural practice in Romania and, also, is not permitted in Romanian legislation.

Domestic Violence

The phenomena of Domestic Violence against women are a social, juridical and also an important public health problem and it is not specific for the Romanian society, but a universal phenomena.

Before 2000 in Romania there was no specific regulation regarding domestic violence only through the Penal Code was punished any act of violence, including domestic violence (articles 180, 181,184).

The Law no. 197, adopted by the Parliament in November 2000, modified and completed the Penal Code on articles 75, 112, 118, 149, 180, 181, 197, 198, 202, 305, 306, 314.

The law specify , for the first time in the Romanian legislation, as families either those with legal marital status or not, introduce aggravations in case of violence against the family members, interdiction for the aggressor of reinsertion in the family if convicted and sentenced to prison for domestic violence aggression. Also by this law was raised the penalties for sexual abuses and bad treatments on minors.

The Romanian Parliament adopted in May 2003 the Law no. 217 on prevention and combating domestic violence. The law set-up the National Agency for Family Protection, provide measures for prevention and combating domestic violence and protection of victims, and define the status and duties of family social assistants.

Statistical data

At national level there are no statistic data available.

In Bucharest (at a population of 1.9 million inhabitants) at the Pilot Center for Assistance and Protection for Domestic Violence Victims, more than 1000 abused women asked for help and support each year.

The National Strategy on Prevention, Monitoring and Control of Domestic Violence is based on:

- Council of Europe Recommendation nr. 4 /1985
- Council of Europe Experts' Recommendations
- Decision of Council of Europe's Council of Ministries from November, 29 /2000
- Legislation and experience from different democratic countries.

The Ministry of Health ~~and Family~~ initiated an Inter–ministerial Group for developing the principles and strategies for prevention, monitoring and control of domestic violence. The Ministry proposed to the Inter-ministerial Group a national structure for evaluation, control and decreasing the domestic violence phenomena. MOH also designed the chart of this national structure.

The main goal the Inter-ministerial Group is to define principles, structures, norms and functional relations among ministries at national level and among institutions al local level.

In accordance with the **Program of measures to be applied on the sectorial level** of the National Action Plan on equality of chances between women and men (2001-2004), the Ministry of Interior has conducted a number of activities focused on prevention and combating of activities regarding the phenomenon of **domestic violence.**

The programs carried out aimed mainly at acquiring knowledge and raising awareness on the domestic violence phenomenon, inclusively its causes and effects, decreasing of women victimisation risk by promoting woman rights and their means of assurance, as well as through educational and preventive activities, developed inside high risk communities, informing public opinion and local administrative structures of the fact that infringing the above-mentioned rights equals with violation of the Constitutional rights, discouraging potential aggressors by decreasing the favouring conditions and making public the consequences of this type of crimes.

The most representative programs are:

1. **Prevention of domestic violence**

This program aimed at involving the civil society in educational and preventive activities, in order to limit this phenomenon; Bucharest together with all counties have participated at this action, having as partners local NGOs.
Partners: Police's General Inspectorate – Crime Research and Prevention Institute, County Police Inspectorates – Prevention Departments, NGOs.
Duration: 2002-2004
Place: Bucharest and all counties
Objectives:
- Decrease of the number of domestic violence cases;
- Discouraging potential aggressors by decreasing the favouring conditions and making public the consequences of this type of crimes;
- Involvement of the civil society in educational and preventive activities, in order to limit this phenomenon.

2. **Stop the violence against women!**

This program aimed at changing the media approach of the topics related to domestic violence, requesting that media should underline the educational-preventive sides instead of the spectacular ones. Meetings have been organised with target-groups in Bucharest, Constanta, Iasi, Cluj-Napoca and Craiova.
Partners: Police's General Inspectorate – Crime Research and Prevention Institute, ARIADNA Organisation (Association of Women involved in Art, Media and Business)
Duration: 1996 - 1997
Place: Bucharest, Iasi, Constanta, Cluj and Craiova
Objective: the decrease of women victimisation risk

3. **Domestic violence and Women rights**

This program was carried out by organising interactive meetings between women from different social and professional categories. The aim was to re-analyse women awareness of their rights, according to internal legislation and international documents, as well as of the means of preventing and combating violence against women.
Partners: Police's General Inspectorate – Crime Research and Prevention Institute, LADO Organisation (Protection of Human Rights League)
Duration: March 1997 – March 1998
Place: Bucharest – city districts
Objective: promoting and guaranteeing women rights

4. **A Dignified Status in a Modern State – a chance for the equality of chances**

This program was carried out in 6 counties: Dolj, Valcea, Braila, Arges, Giurgiu and Mehedinti aiming at identifying and analysing concrete cases and was meant to offer practical and effective solutions and also to demonstrate that dialog and co-operation between the members of the civil society represent the most efficient and democratic way of solving the problems of their community.

Partners: Police's General Inspectorate – Crime Research and Prevention Institute, LDSR Organisation (Democratic League of Romanian Women Students)
Duration: 1997 - 1998
Place: Dolj, Valcea, Braila, Arges, Giurgiu and Mehedinti
Objective: promoting and supporting women rights as part of human rights, as well as raising awareness of both public opinion and local administrative structures of the fact that infringing the above-mentioned rights equals with violation of the Constitutional rights

5. Women against violence in the third millenium

Partners: Police's General Inspectorate – Crime Research and Prevention Institute, Ariadna Organisation, United States Information Agency (USIB)
Duration: 1999 – 2000
Place: Bucharest, Constantza, Brasov
Objective: organising meetings with target groups, media representatives etc.

6. Gender Equality – a continuous challenge

Partners: Police's General Inspectorate – Crime Research and Prevention Institute, Crime Prevention Departments from Counties Police Inspectorates. Organisation Partners for Change
Period: 1999 – 2000
Place: Bucharest, Cluj, Vâlcea, Iasi, Constantza
Objective: implementing the activities and concepts of "social gender" in all fields of activities, disseminating the concept of respecting human rights

Abortion and Medical Services for a Safe Abortion

The last 10 years indicate that the natural increase of population is negative.

The main causes are:

- Increased general mortality from 10.7/1000 in 1989 to 12/1000 in 1999, phenomena that can be explicated by the massive decline of the social and economic status of the Romanian population after 1990.
- Decreased natality from 16/1000 in 1989 to 10.4/1000 in 1999. The liberalization of abortion and beginning of using new contraceptive methods were once of the main causes of the negative evolution of this indicator. Negative social and economic statuses are responsible for decreasing natality.
- In 1992 the natural increase of the population became negative, with the highest level in 1996 when it was – 2.4/1000.
- Maternal mortality is still at higher level than other European countries even if it decreased from 0.42/1000 live-born in 1998 to 0.33/1000 live-born in 2000.

The rate of abortion in the last 10 years is decreasing, from 2.2 abortions/1 live born in 1993 to 1 abortion /1.6 live born. The high rate of abortion is registered to the 20 –34 years aged group. There are still, even fewer, cases of empiric abortion (registered to population with very low income, very low education or very young) with tragic consequences.

Family Planning Services

The family planning methods were not very well known before 1989. The most used methods were natural methods and condoms. After 1990 family planning services were developed at the national level and many IEC campaigns were initiated. Yearly more and more female population became informed and aware about new modern contraceptive methods. In this way women's reproductive health was improved. If in 1993 only 13.9/1000 women used contraceptive methods, in 1999 29.5/1000 women used contraceptive methods.

For an improvement of using new contraceptive methods MOH in collaboration with national and international organizations developed a national strategy.

Through this national strategy are ensured free contraceptive to women from target groups (students, unemployed women, women with low income, women from rural areas), women from communities were formed to promote family planning information, IEC campaigns were developed (involving local and national mass-media and using health promotion materials), increasing the number of family planning providers (family practitioners from rural areas).

This national strategy was designed for increasing the availability and accessibility to family planning methods and to offer to women the possibility to decide by their own, the number of children and the moment wished.

Also, the costs of the contraceptive methods are partial covered by the Government.

Decreasing Mortality among Women

After 1990, maternal mortality decreased because of legalization of abortion and developing the family planning services.

Developing of some Centers for Women's Health decreased women mortality through early detection of breast and cervical cancer and through specific treatment for cancers and menopause.

Romanian Government Care for Pregnant Women and for the lactation period

Through the Social Insurance Law (law 145/24.07.1997) every pregnant woman has ensured free medical services, through pregnancy period, at birth and confinement.

Even if natural breast feeding is encouraged, for those women who can not feed their new born children, the Romanian Government ensured free nutrition with powder milk.

Article 13

In Romania, the state protects the marriage and the family, support the development and its consolidation by economic and social measures. (Family Code, article 1.1).

According to art 44 of the Romanian Constitution: "The Family is founded on the freely consented marriage of the spouses, their full equality, as well as the right and duty of the parents to ensure the upbringing, education and instruction of their children."

Outline of the strategy on family benefits evolution

→ ***The Law no. 61/1993 on the state benefits for children*** Based on the universality principle, the state benefits are granted, based on ***the Law no. 63/1993***, to all children aged up to 16 or 18 if they are contained in one of the education forms stipulated by law. The state allowance is granted on a monthly basis, in a fixed amount, regardless of the children family income.

For disabled children with 1st or 2nd degree of invalidity, the amount of the allowance is increased by 100%.

Taking into account that a part of the children graduates from the pre-university education after the age of 18 years, according to the provisions of the ***Law no. 261/1998***, since 1999, the Law no. 61/1993 was improved by granting state benefits for children and young people aged over 18 years until they graduate from high schools or from vocational education schools, organized in the conditions set by law.

The Government, through the government program, proposes the increase in the amount of the state child benefit aiming that, by the end of 2004, it should reach 10% from the average wages in economy.

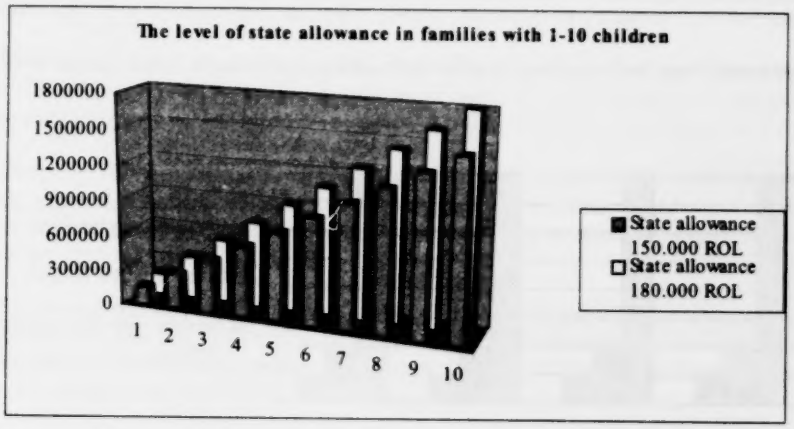
The reassessment of the level of state child benefit takes into account the increase in prices of school supplies, food, clothing as well as other items of strict necessity for children, as well as the prevention of school

abandonment, phenomenon that increased in the past few years due to the decrease of the financial resources of families with children.

To this end, as a first step, the ***Government Decision no. 1040/2001*** increased the amount of the children state benefit. Thus, during January - June 2002, the amount of the state benefit for children was 150.000 ROL/child and starting with July 2002 it was set up at 180.000 ROL/child.

The second stage for increasing the children state benefit is stipulated in the "Social Program", adopted by the ***Government Decision no. 811/2002***. This increase will be approved by government decision with a view to reach the level of 210.000 ROL/child starting with January 2003.

The impact of the increase of the state child benefit since 2002 is more prominent for families with four or more children.



The studies and analyses performed shown that the group of social risk for families with children is made up of families with two, three and four children in care.

Their support was envisages by the ***Law no. 119/1997 the supplementary allowance on for families with children.***

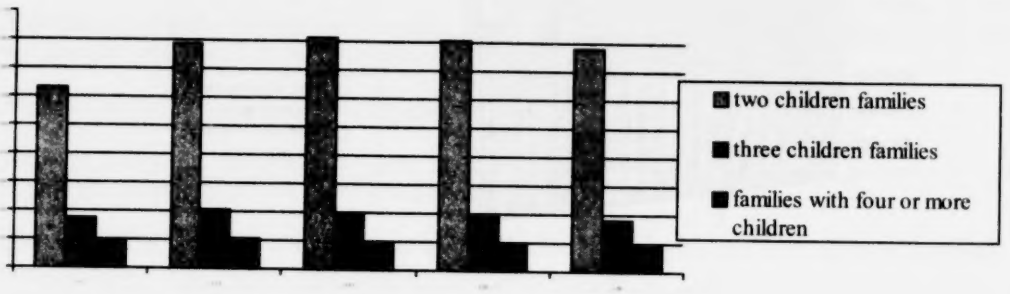
According to this law's provisions, the beneficiaries of supplementary allowance are the families that have in care two or more children up to 16 years old or up to 18 years if they are attending an education institution, organized according to the law, if they are declared disabled or are registered in 1st or 2nd degree of invalidity.

The supplementary benefit is granted on a monthly basis, in a differentiated amount according to the number of children in the family. The necessary amount for the payment of this benefit is supported from the budget of the Ministry of Labor and Social Solidarity. The present amounts of the supplementary benefits are as follows:

- 50.000 ROL for families with 2 children;
- 100.000 ROL for families with 3 children;
- 125.000 ROL for families with 4 or more children.

	1997	1998	1999	2000	2001
The average number of the beneficiaries of supplementary allowance for family with children are as following:	**893.905**	**1.099.399**	**1.117.473**	**1.097.694**	**1.054.719**
• Families with two children	630.908	791.061	817.576	810.720	783.443
• Families with three children	174.288	203.840	199.392	190.973	178.544
• Families with four or more children	88.709	104.498	100.505	96.001	92.732

The average number of families benefiting from supplementary allowance in the period 1997-2001



► Poverty, lack of education and experience of parents, as well as a hostile social environment, marginal, lacking values and civic and moral principles lead most of the times to family abandonment by one of the parents or, more severe, to the abandonment of children or their influence towards criminality in order to ensure their necessary means of living.

In this situation, state intervenes with specific means and measures to remove the child from a disadvantaging environment and sets forms of social protection in institutions or substitute families, respectively entrusting to placement families.

With a view to support materially families or private authorized bodies to which children are entrusted or given in placement, it was issued the ***Government Emergency Ordinance no. 26 on the protection of the children in difficulty***, approved by the ***Law no. 108/1998.***

In 2001, by the ***Government Decision no. 331/2001***, the monthly amount of the placement allowance was increased to 500.000 ROL.

The increase of the monthly support allowance from 406.000 ROL to 500.000 ROL determined also the increase in the number of children in placement or entrusted, because the level of benefits have stimulated families to take in placement children benefiting from such a protective measure.

Also, the persons that were entrusted or given in placement children, should they have received the license of professional maternal assistant, are entitled over the period of entrustment to the level of the monthly gross wage of the social assistant with medium education, employed with seniority, this period being considered seniority.

► ***New born allowance*** – restablished by the ***Law no. 416/2001 on the minimum guaranteed income***, is granted to mothers, only once, for each of the first four new born children. The amount of this allowance is 1.400.000 ROL, indexed, whereas payment is supported from the state budget. The allowance can be also granted to the child's legal representative when the mother is not able to benefit from this right. In September 2002 there were granted 16.260 allowances, representing an amount of 22,7 billion ROL.

► ***Other measures to support families with children***

The meal at the social aid canteen – stipulated by the ***Law no. 208/1997.*** Families with children in care, children, as well as other disadvantaged categories of population are benefiting from services ensured by social aid canteens, for free or with personal contribution, according to their incomes. By extending the services offered, the social aid can supply, as the case may be, a hot meal at the canteen venue or food at purchase prices.

Thus, the budget of the family is partially or totally alleviated from the expenses with daily food, still ensuring a nutritional level close to the normal one. At present, the level of daily allowance in social aid canteens set by ***Government Decision no. 1003/2002***, increased from 23.000ROL /beneficiary to 37.000 ROL/beneficiary.

The community services achieved in partnership by NGO's and local councils grant social, medical and legal assistance as well as medical and social assistance to families with children, children, youth, other categories of disadvantaged persons in day care centers or centers specially organized at the domicile of the beneficiaries, as the case may be.

The development and the diversification of social services in partnership are a permanent concern. To this end, it was adopted the ***Law no. 34/1998*** according to which the Romanian associations and foundations with legal personality that set up and manage social assistance units can benefit from granting of subsidies from the state budget or, as the case may be, from local budgets.

By this legislation it was intended the granting of financial aid to NGO's with a view to improve the quality of social assistance services granted, as well as the increase of social solidarity by institutionalizing the partnership between the public administration and the civil society.

Subsidies from the state budget or the local budget are granted as follows:

a) from the state budget, through the budget of the Ministry of Labor and Social Solidarity which grants social assistance services to persons in the country;

b) from the local budgets, through the budgets of the local councils, which grant social assistance services for persons in one county;

In 2002, 6500 persons benefited from subsidies from the state budget, as follows:

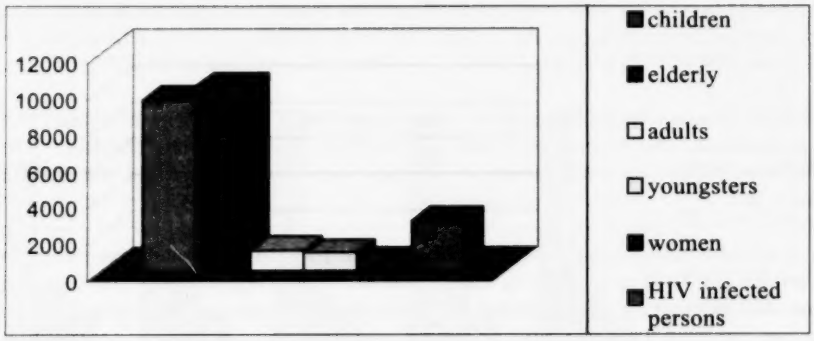
	1998	**1999**	**2000**	**2001**	**2002**
Associations and foundations that requested subsidies from Ministry of Labor Social Solidarity and Family	40	46	56	70	84
Selected Associations/foundation	32	36	53	60	63
Social assistance units	60	76	120	157	130
Number of assisted persons	**2.087**	**3.017**	**5.471**	**7.377**	**6.560**
Children	755	814	2.177	3.354	2.333
Elderly	994	1.634	2.146	2.817	2.591
Adults	90	80	175	343	457
Youngsters	98	149	203	216	349
Women	10	10	10	16	17
HIV infected persons	140	420	760	631	81

In 2001, at the initiative of the Ministry of Labor Social Solidarity and Family, the ***Government Decision no. 1153/2001 on the approval of new Methodological norms for the implementation of the Law no. 34/1998*** was adopted in order to improve the activity of subsidies allowance.

At the same time, through this regulation, the average monthly level of the subsidy from the state budget for an assisted person was increased from 450.000 ROL to 600.000 ROL.

During 1998-2002, the percentage by categories of beneficiaries of services provided by associations and foundations subsided from the state budget, shows as follows:

The percentage, by categories of assisted persons in the social assistance entities, subsided from the state budget during 1998-2002 was as following:



	1998	1999	2000	2001	2002
Children	36%	26%	40%	45%	36%
Elderly	48%	54%	39%	38%	39%
Adults	4%	2%	3%	5%	7%
Youngsters	4%	4%	4%	3%	5%
Women	1%	1%	1%	1%	1%
HIV infected persons	7%	13%	13%	8%	12%

In the 2003 the state budget allocated to the Ministry of Labor and Social Solidarity for this purpose was established to the amount of 36.630 million ROL.

For 2003 there were registered 83 requests submitted by associations and foundations, which, during this period, are assessed and selected by the assessment and selection commission.

Social aid – established by the ***Law no. 416/2001 on the minimum guaranteed revenue***, represents a form of support for families and single persons with low revenues or without revenues and guarantees them a minimum revenue assuring their access to the minimum living conditions. The levels established by the law for the minimum guaranteed revenue depend on the family's structure and range between 1.134.000 ROL for the family with 2 members, and 2.331.000 ROL for the family with 5 members. To this level is added the amount of 157.000 ROL for any other member of the family over 5 members. The amount of the social aid is calculated as a difference between the family's monthly net revenues and the level of the minimum guaranteed income set by the law for that type of family.

For 2003, the monthly level of the minimum guaranteed revenue was increased.

(ROL)

Family type	Levels of the monthly net income up to which the social aid is granted 2001	Level of the minimum guaranteed income Law no.416/2001 2002	Level of the minimum guaranteed income Law no.416/2001 January 2003
- single person	166.000	630.000	740.000
- 2 persons families	299.800	1.134.000	1.328.000
- 3 persons families	418.500	1.575.000	1.845.000
- 4 persons families	525.700	1.953.000	2.285.000
- 5 persons families	625.300	2.331.000	2.728.000
- any other member of the family, over the 5 members	92.700	157.500	184.000

Following the analysis of the Statistical Reports on the implementation of the Law no. 416/2001, it resulted that, during January-September 2002 out of 598.734 registered applications, there were approved, through mayors' decisions, the granting of social aids for 549.837 families and single persons.

Till 30 September 2002, the amount of the social aid payments was 2.122 billion ROL.

The house heating aid – according to the provisions set by Government Emergency Ordinance no. 6/2002, completing the provisions of the Law no. 416/2001, during January-March families with low incomes benefited from house heating aids subject to the heating system used.

Thus, an average monthly number of 756.067 families benefited from this aid, for which there were made payments amounting to 618 billion ROL, as follows:

1. Thermal energy in centralized system:
   - average number of families – 540.000
   - amount of payments – 461 billion ROL.
2. Natural gas:
   - average number of families – 61.369
   - amount of payments – 43 billion ROL.
3. Wood, coal, fuel:
   - average number of families – 158.698
   - amount of payments – 114 billion ROL.

For the social protection of the groups with low incomes, following the increase of energy and fuel prices, during the period 2002-2003 there will continue the granting of house heating aids, both for those using thermal energy in centralized system and those using natural gas. To this end, it was approved the Governmental Emergency Ordinance no. 121/2002.

For the families using wood, coal and fuel for house heating, the "Social Program" approved by the Governmental Decision no. 811/2002 establishes the increase of heating aid from 250.000 ROL/month to 300.000

ROL/month. This continues to be granted to the beneficiaries of social aid, according to the provisions of the Law no. 416/2001.

Emergency aids – till 30 September 2002 there were granted, at the proposal of the Ministry of Labor and Social Solidarity, through Governmental Decisions, 260 emergency aids amounting to 7,2 billion ROL.

During the same period, mayors granted 5.841 emergency aids from the local budgets, amounting to about 12 billion ROL.

Monthly social aid for wives of militaries in service – benefit established by the ***Law no. 416/2001 on the minimum guaranteed income***, is allotted to wives of those performing the compulsory military service and who do not have revenues or their revenues are less than the national gross minimum basic wage, if they are in one of the following situations:

a) they are pregnant, starting with the fourth month of the pregnancy;
b) they have in care children up to 7 years old;
c) they have I or II degree of invalidity;

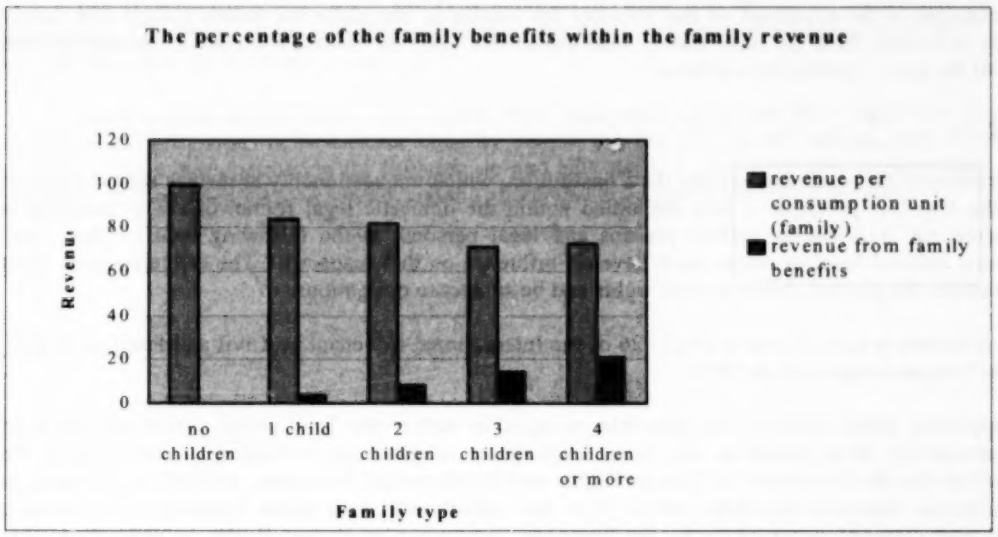
The setting up and payment of the social aid for wives of those performing the compulsory military service are made by the military centers and the necessary funds are assured from the state budget and administrated by the Ministry of Defense. The amount of this benefit is 1.400.000 ROL, indexed.

For the families with a monthly net revenue per family member of maximum 50% of the national gross minimum basic wage and who cannot cover the cost of preparing their children for starting the new school year and of school supply, stationeries or other necessary goods, as well as to stimulate school attendance, there were granted social aids according to the ***Law 126/2002 on the approval of the Government Ordinance no. 33/2001 on the supply school stationeries***. The amount representing the value of the school supply granted to pupils depends on the school level and is up-graded at the beginning of each school year. The necessary funds for buying and distribution of stationeries are supported from the state budget allocated to the Ministry of Education and Research.

The school children from families benefiting from social aid according to the Law no. 416/2001 on the minimum guaranteed income and attending the compulsory education set by law can benefit from school allowances, according to the ***Law no. 116/2002 on the prevention and fighting against social exclusion***. The yearly amount is as follows: 40% in August, for the preparation of the start of the new school year and the difference of 60% is granted monthly or on a quarterly basis, subject to the courses' attendance and meeting the promotions marks.

Despite many existing forms of support for the families with children, the rate of benefits compensation in the family budget is rather low, basically due to the accelerated decrease of the purchasing power of the revenues.

The system of family benefits is basically re-distributive. In the revenue structure, the share of family benefits is more important for the larger families, although these families have the lowest revenues.



In Romania, as the financial resources for supporting the social protection are much diminished, it is necessary to implement some proactive social assistance measures based on an individualized intervention plan with a view to provide the necessary support, as well as the efficient use of the existing human and financial resources.

Article 14

There are no specific legal provisions concerning the rights of the women living in rural areas as all the Romanian legislation it is not discriminatory against any group of persons. But the central and local public administration authorities are periodically carrying on campaigns for raising the awareness of the women living in rural areas about their rights.

In Romania UNDP developed the project **Economical Empowerment of Rural Women,** financed by UNIFEM and the Government of Japan. The Romanian Government fully supports the program through the cooperation between the UNDP country office and the ministries of Agriculture and Labor Social Solidarity and Family. This project developed 4 economical pilot units, managed by trained women, producing and selling milk and vegetables products, bread and small packages for food products. In each case was established a Women Association, the first one in the village, the female members being the workers and owners of the economic unit.

Under the same project was published the booklet **Status of Women in Rural Areas,** the first study on the issue in Romania.

The Stability Pact in South East Europe is also supporting the project **Women can Do It,** managed by the Romanian women's association **SEF,** developed in all 10 Stability Pact countries and with target women mainly from rural areas.

Also another Stability Pact project aimed to support women mayors to help them to associate in the **Women Mayors Link.** As the women were elected mayors mainly in villages or small towns from this project are to benefit also women from rural areas.

Another example is the campaign of the Ministry for Health to introduce the health system and family planning facilities to women from the rural areas. Local authorities carry on various activities to involve women in rural areas in all the local community's actions.

Article 15

It must be stressed that over and beyond the Constitution, which unquestionably enshrines the principle of equality before the law, this principle is also embodied within the domestic legal framework. The principle is enshrined in Decree No. 31/1954 on natural persons and legal persons, in the following words: "Sex, race, nationality, religion, cultural level or origin shall have no influence on their capacity." The reference is to legal capacity, which defines the general ability to hold rights and be subject to obligations.

The same principle is to be found in article 26 of the International Covenant on Civil and Political Rights, to which Romania became a signatory in 1974.

A final approach which reflects the principle of equality before the law, under which all forms of discrimination, particularly those based on sex, race, language or religion, are forbidden, is contained in the European Convention for the Protection of Human Rights and Fundamental Freedoms, ratified by Romania in 1994, and which became domestic law under article 20 of the Constitution. As a result, Romanian citizens have legal processes at their disposal, provided for by the European Convention on Human Rights, in order to be able to assert the rights which they consider to have been infringed.

Article 16

According to the constitutional provisions (Art. 44 paragraph 1) family is based on the spouses' free consent to marriage. The family code stipulates in art. 3 that marriage concluded before the civil status officer gives raise to the spouses rights and obligations provided for in the code.

In Romania, men can get married only after they reach 18, and women after they reach 16. However, the marriage of women who reached the age of 15 may be approved for reasonable motives. In order to ensure the free consent to marriage, art. 16 of the family code stipulates that the marriage shall be concluded by the consent of the future spouses. They are obliged to come together, accompanied by 2 witnesses, to the city hall headquarters, to express their consent in person and publicly before the civil status officer.

Men and women have equal rights at marriage. When the marriage is concluded, the future spouses shall declare, before the civil status officer, the name they agreed with to have in marriage. The spouses may keep their name before the marriage, take the name of one or another or their united names.

Both parents have the same rights and duties towards their minor children, without taking into consideration if the children were born during marriage, out of wedlock or adopted. Parents shall exercise their parental rights only in the children's interests. At the same time, measures related to the children's person and property shall be taken by parents, by common agreement.

As regards the civil capacity, it is recognized for all persons- art. 4 paragraph 1 of Decree 31 from 1954 on physical and legal persons-. Race, sex, nationality, religion, culture level or origin do not have any influence on the capacity.

The exercise capacity is one's ability to exercise its rights and assume its obligations by concluding legal documents. The full exercise capacity begins from the date when the person becomes of age- 18 years- or from the marriage date- in the minor's case-.

Spouses shall benefit from equal rights when their marriage is cancelled, which is ensured both by the constitutional provisions related to the equality before law but also by the family code. When the court shall decide on the minors entrusting for bringing up and education, it shall take into consideration also the minors' interests. At the same time, the parents and the guardianship authority shall be also heard.